



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2208458

Applicant Name: Julie Ledoux

Address of Proposal: 4749 41st Ave NE.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three (3) lots (unit subdivision). Proposed lot sizes are: A) 3,091.5 square feet, B) 1,326.7 square feet; and C) 1,335.5 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related project: establish use as and construct one (1) townhouse duplex, and occupy per plans, all under MUP No. 2207691 Permit No. 733978.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into three lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 5,760 square foot property is located between 40th and 41st Ave NE in the Northeast District of Seattle. Access to the site is via 41st Ave NE, which is paved and improved with concrete curbs, gutters, on both sides of the street, but no planter strip or sidewalks exist directly in front of the site. There is a platted sixteen (16') foot alley adjacent to the property to provide vehicle access. There is currently one (1) duplex townhouse planned for construction on the site, under MUP No. 2207691 Permit No. 733978. The parcel is not located in any identified or designated Environmentally Critical Area.

The subject property and surrounding lots are zoned Multi-family Lowrise-3 (L3). Development in the area consists of one and two-story single-family dwellings and various small scale multi-family structures, consistent with the zoning. Easterly from the site is the Children's Hospital, across Sand Point Way NE.

Proposal Description

The proposal is to subdivide one (1) parcel into three (3) unit subdivision lots with vehicle access provided from the alley to the rear (west) of the property. Vehicle access to the proposed lots and future dwelling units will be via the adjacent alley, which access the garages within each proposed townhouse. A total of three parking places will be provided on site. Parking for the existing house will be located on unit lot C and formalized by easement. One duplex townhouse structure is planned for construction on the site. Each townhouse unit will have parking within the structure. Proposed lot sizes are as indicated in the summary above. Lot A has direct pedestrian access to 41st Ave NE. Lot B and C have pedestrian access via two five (5') foot pedestrian easements over unit lot A to 41st Ave NE.

Note that the construction of the proposed duplex townhouse was reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit Master Use Permit No. 2207691 Permit No. 733978. The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on February 26th, 2003. During the public comment period, DCLU received no written comments related to this project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per eight-hundred (800) square feet of lot area. Given a lot area of approximately 5,760 square feet, seven (7) units are allowed by density while two (2) are proposed in addition to the existing single family residence, resulting in a total of three (3) units. Maximum lot coverage is 47.5%. The front setback is approximately thirty-two and one half (32.5') feet, which was the existing setback of the structure already on site. The minimum side yard setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. Rear yard setback is twenty (20) feet or twenty (20) percent of the lot depth, in no case less than fifteen (15) feet, in this case measured from the centerline of the adjacent alley. The proposed construction and lots provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The lots are provided vehicular access to the adjacent alley and only one easement for unit lot A's parking is required, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on March 3rd, 2003. There is a public combined sewer (PCS) located in 41st Ave NE. Stormwater discharge from new construction shall be to the public sewer (PS) via detention or to the public storm drain (PSD) in Sand Point Way NE. There is a substandard six (6") inch water main in NE 50th St that is available to serve the site. Plan review requirements were made at the time of building permit review.
4. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. An area for address signage shall be provided such that the address for units B and C are visible from 41st Ave NE and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are presently no trees on site. The survey indicates that there was one on the site, however one of the trees (deciduous-8") was located within the ingress egress easement for vehicle access and was removed. Thus, the provision requiring that the subdivision be designed to maximize the retention of existing trees is not applicable. Tree requirements were reviewed under MUP No. 2207691 Permit No. 733978.
7. The applicant proposes the construction of a duplex townhouse on the subject site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions was reviewed under Master Use No. 2207691 Permit No.

733978. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, and C are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise-3 (L-3) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards of the set forth in the Land Use Code, and is consistent with applicable Multi Family related codes. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or

structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Have final recording documents show five (5') foot pedestrian easement along the north and south boundary of the entire parent lot, and specify in the legal description where these easements are located. Revise open space calculations accordingly.
3. Submit the final recording forms for approval and any necessary fees.
4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
5. Include an easement to provide for water service. Have final recording documents show a ten (10') foot water service easement beneficial to unit lots C and D from NE 50th St, down the adjacent alley as required by Seattle Public Utilities for the approved Water Availability Certificate (2003-0119) dated February 3rd, 2003.
6. Include an easement to provide parking on unit lot C that is beneficial to unit lot A and specify in the legal description where this easement is located.
7. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
8. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
9. Provide an area to allow for the posting of address signage for unit lot B and C at a location visible from 41st Ave NE and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: (signature on file) Date: April 3, 2003

Lucas DeHerrera, Land Use Planner
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Land Use Services

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